United Nations A/HRC/27/33

General Assembly

Distr.: General
26 June 2014

Original: English

Human Rights Council
Twenty-seventh session
Agenda items 2 and 3
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Summary of the Human Rights Council panel discussion on the importance of the promotion and protection of civil society space

Report of the Office of the United Nations High Commissioner for Human Rights

Summary

The present summary report was prepared in accordance with Human Rights Council resolution 24/21, in which the Council decided to convene, at its twenty-fifth session, a panel discussion on the importance of the promotion and protection of civil society space, and invited the Office of the United Nations High Commissioner to liaise with States, relevant United Nations bodies and agencies, relevant special procedures, civil society and other stakeholders with a view to ensuring their participation in the panel discussion. The panel discussion was held on 11 March 2014.

The report contains a summary of the statements delivered by the Secretary-General and the Deputy High Commissioner for Human Rights, and contributions by the moderator and panellists. It summarizes the discussion in four parts: the importance of the promotion and protection of civil society space; the challenges that States face in their efforts to ensure space for civil society; experiences, lessons learned and good practices with regard to space for civil society; and strategies and steps that could be adopted to ensure a safe and enabling environment for civil society.

GE.14-06649 (E)

1406649

Please recycle

Contents

		Paragraphes	*Page*
I.	Introduction	1 – 5	3
II.	Statements by the Secretary-General and the Deputy United Nations High Commissioner for Human Rights, and contributions by the moderator and panellists	6 – 35	3
	A. Secretary-General	6 – 8	3
	B. Deputy United Nations High Commissioner for Human Rights	9 – 13	4
	C. Moderator of the panel discussion	14	5
	D. Member of the Committee on the Rights of Persons with Disabilities and Member of the Parliament of Turkey	15 – 20	5
	E. Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression	21 – 27	6
	F. Film, music and arts producer	28 – 31	7
	G. Human rights lawyer and Honorary President of the Tunisian League for Human Rights	32 – 35	8
III.	Summary of the discussion	36 – 79	9
	A. Importance of the promotion and protection of civil society space	39 – 45	9
	B. Challenges faced by States in their efforts to ensure space for civil society	46 – 51	10
	C. Experiences, lessons learned and good practices with regard to space for civil society	52 – 66	12
	D. Strategies and steps that could be adopted to ensure a safe and enabling environment for civil society	67 – 79	13
IV.	Comments and responses by panellists and the moderator	80 – 87	15

I. Introduction

1. On 11 March 2014, at its twenty-fifth session, the Human Rights Council held a panel discussion on the importance of the promotion and protection of civil society space, pursuant to Council resolution 24/21.

2. Pursuant to the request of the Human Rights Council, the panel discussion aimed at, inter alia, contributing to the identification of challenges facing States in their efforts to ensure space for civil society and lessons learned, as well as good practices.

3. In its resolution 24/21, the Human Rights Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to liaise with States, relevant United Nations bodies and agencies, relevant special procedures, civil society and other stakeholders, with a view to ensuring their participation in the panel discussion. The Office was also requested to prepare a summary, to be presented to the Council at its twenty-seventh session. The present summary was prepared pursuant to that request.

4. The panel discussion was chaired by the President of the Human Rights Council and moderated by the human rights lawyer and pro-democracy campaigner, Hina Jilani. The panel was addressed by the Secretary-General and opened by the Deputy United Nations High Commissioner for Human Rights. The panellists were a member of the Committee on the Rights of Persons with Disabilities and member of the Parliament of Turkey, Safak Pavey; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue; Deeyah Khan, a producer of films, music and art; and human rights defender and Honorary President of the Tunisian League for Human Rights, Mokhtar Trifi.

5. To render the Human Rights Council more accessible to persons with disabilities and to encourage their participation in the work of the Council as fully as possible, international sign language interpretation and captioning were provided and webcast. Physical accessibility was promoted by making facilities in the meeting room wheelchair-friendly. Braille printing was available on request.

II. Statements by the Secretary-General and the Deputy United Nations High Commissioner for Human Rights, and contributions by the moderator and panellists

A. Secretary-General

6. The Secretary-General, in his opening remarks delivered in a video-recorded message, emphasized the fact that a free and independent civil society constituted the bedrock of democratic and responsive governance. Civil society brought vital issues to the fore, helped to make the case for stronger protection of human rights, pushed for more equal societies and mobilized action to address violations and injustice. He stressed the fact that civil society was an indispensable partner of the United Nations.

7. The Secretary-General was concerned that, in campaigning to improve the lives of others, many individuals often risked their lives. Civil society actors must be able to do their work freely, independently, safe from fear, intimidation or retaliation. He counted on the full commitment of States and the international community, including the United Nations High Commissioner for Human Rights and the United Nations family, to engage in collective action to denounce reprisals, defend free voices and protect those targeted. In

addition, the Secretary-General stressed the need to advance the work for human rights, peace and development, and to expand the space for civil society to participate and contribute meaningfully.

8. The Secretary-General recalled that the panel's discussions were based on the premise that space for civil society was a reflection of an entire society's respect for human rights within its own borders and around the globe. Lastly, he urged the international community to seize the opportunity to strengthen the vital role of civil society.

B. Deputy United Nations High Commissioner for Human Rights

9. The Deputy United Nations High Commissioner for Human Rights noted that, at the national level, the extent to which people contributed to and monitored decisions that affected their lives was a fundamental indicator of the enjoyment of human rights. Arenas for public participation ranged from local groups to national and global forums, including the Human Rights Council. She recalled that the Charter of the United Nations began with "We the peoples", while the Universal Declaration of Human Rights guaranteed that "everyone has the right to take part in the Government of his country". The Deputy High Commissioner affirmed that it was in the interest of peace, security and economic and social development that individuals were empowered to mobilize and participate, make their voices heard, claim their rights, and build responsive, inclusive and accountable institutions in their communities, societies and countries. She emphasized the fact that an informed debate, political engagement and strong mechanisms for accountability of public officials should be created and underpinned by a robust legal framework grounded in international human rights law.

10. Although there were obstacles, the objective of widening and deepening democratic participation was always grounded in the involvement of volunteers, associations, non-governmental organizations and social movements, which fostered civic virtues and greater awareness of rights by teaching advocacy skills, shaping strategies, mobilizing claims and acting as a critical watchdog. The Deputy High Commissioner recalled that civil society could take different forms, such as groups of volunteers assisting new immigrants, activists raising environmental concerns, trade unionists calling for collective agreement, bloggers exposing corruption or a federation of non-governmental organizations campaigning for a new international human rights treaty. She stressed that all those actors played a fundamental role in helping people develop political consciousness and skills, and knowledge of their rights and duties.

11. The Deputy High Commissioner recalled that the Human Rights Council recognized the importance of civil society actors and their need to operate in an enabling environment in a series of resolutions, including resolutions that emphasized the important role of human rights defenders and a cross-regional resolution that provided the basis for the present panel.

12. The Deputy High Commissioner expressed her belief that a diverse, independent and vibrant civil society could only flourish with guarantees of a safe and enabling environment. She deplored the risks faced by many civil society actors around the world, including threats, intimidation, reprisals, prohibition from receiving funding, imprisonment for revealing corruption, bans on peaceful demonstrations, confiscation of computers, shutting down Internet access, and even killings. She called upon all actors to protect civil society from such practices.

13. The Deputy High Commissioner highlighted the fact that the endeavours by OHCHR to create space for the engagement of civil society in the promotion and protection of human rights had been one of its main achievements in the past 20 years, and would

continue to be among the Office's priorities in coming years. She drew attention to the fact that "widening the democratic space" was one of the six thematic strategies for OHCHR for 2014-2017, with a strong emphasis on the requirement of a safe and enabling environment for civil society, including human rights defenders.

C. Moderator of the panel discussion

14. In her introductory remarks, the moderator of the panel discussion, Hina Jilani, welcomed the concern shown by the Human Rights Council and its interest in expanding the space for civil society, as well as its recognition of the critical importance of the role that civil society played in the promotion and protection of human rights. Civil society was a critical actor in strengthening human rights and democracy. No notion of "international community" was complete without the recognition of civil society as an integral part. She emphasized the value of the work of civil society actors, often at great cost to their own personal freedom. She considered that, while there was greater recognition of the role of civil society worldwide, there was still a need to acknowledge that civil society benefited and strengthened States by channelling public voices and concerns to the attention of relevant authorities.

D. Member of the Committee on the Rights of Persons with Disabilities and Member of the Parliament of Turkey

15. Ms. Pavey referred to ancient Greece, where, to be considered a "citizen", an individual – only a man at that time – had an obligation to take part in political processes. In the modern age, civil society provided an avenue for people to engage in the affairs of their communities and countries without participating directly in politics. As a forum outside State control, civil society became an arena of empowerment for autonomy, voluntary unity, pluralism and social demands. It served to limit the powers of Governments and to hold them accountable. From women's rights, environmental issues, peacebuilding, disability rights, humanitarian aid through to constitutional reform, civil society had become a critical force in every area of societal challenge.

16. Ms. Pavey considered that, in its simplest definition, "civil society" consisted of "people doing things together that they could not achieve on their own as individuals". Civil society organizations did not aspire to have a share of political power. It was commendable that feminist movements, associations against racism and ecological movements remained part of civil society, while also having political significance in the messages they conveyed. She gave an example of an environmental activist, who would not wish to become Prime Minister, but who would seek to limit the power of the Prime Minister to cut down trees.

17. Ms. Pavey explained that civil society acted as a mechanism for societal balance and formed a "social opposition language" to government policies, without creating a political party. Therefore, interest in societal movements focusing on discrimination in areas such as gender, race, disability, ethnicity and sexual orientation had increased tremendously. She regretted that, in some societies, in particular those in transition or where there were internal conflicts, civil society was controlled or repressed through financial and legal pressures, or through the creation of "government-organized" non-governmental organizations, created with the sole intention of supporting the Government's policies in the public or international arena.

18. The panellist highlighted what she considered to be the most tragic aspect of the shrinking space of civil society, namely, the targeting of humanitarian aid workers by

different groups in conflict zones owing to the perception that they were "foreign agents". In her opinion, the space for health workers, both in providing services in crises and advocacy for the right to health, including for people with disabilities, was under constant threat. She gave an example when emergency medical workers were attacked by security forces for providing emergency care to individuals wounded while attempting to exercise their right to freedom of expression.

19. In Ms. Pavey's opinion, civil society had the most powerful impact on cultural transformation, which leads society in the evolution from pluralist to participatory democracy. She gave the example of Hrant Dink, editor-in-chief of the Armenian-Turkish bilingual newspaper *Agos*, which served as a civil society channel to give voice to the Armenian community in Turkey. This project, to which Ms. Pavey, a young woman with a disability, belonged, had contributed greatly to freedom of expression in the country. Furthermore, in 2013, when the Government of Turkey planned to open up protected areas and national parks for development projects, 121 environment and nature rights organizations came together under a joint platform to advocate systematically against the adoption of the draft law, which was subsequently withdrawn from Parliament.

20. Ms. Pavey pointed out that it was difficult for civil society to overcome cultural or political barriers in some societies, but when it was able to operate more freely, it delivered positive results in the fight against injustice and inequality and in combating racial and gender discrimination through peaceful methods. Civil society organizations often proved to be effective in working with Governments to remove barriers and discrimination. For example, LGBT communities advanced their cause purely through civil society movement while eschewing violent means.

E. Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

21. Like the Secretary-General, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression considered civil society to be a vital partner for the United Nations family in advancing human rights. International bodies and Governments alone could not achieve the fulfilment of human rights without the full participation of civil society. In his view, civil society was the fundamental element that guaranteed that human rights would be protected and expanded in the future. Identifying impunity as the biggest challenge to any democratic system, the Special Rapporteur stated that the rule of law with equal access to justice was a crucial element for civil society in all countries. Stressing the universality, equality, interrelatedness and interdependency of all human rights, he recognized that the exercise of some rights facilitated the achievement of other rights (for example, freedom of expression facilitated freedom of peaceful assembly and association), as well as democratic citizen participation and other fundamental freedoms. In his opinion, it was crucial that any democratic society guaranteed freedom of expression in its two dimensions: access to information, and expressing oneself, including through art, demonstrations and other forms.

22. The Special Rapporteur focused on six challenges facing civil society. The first was the universality of the Internet. He considered it important that everybody should have equal access to the Internet – an important communications instrument – in particular, for remote and rural populations. Failure to address this gap would deepen and widen the divide between the technologically privileged and economic elite and poorer sectors. Providing equal access to the Internet should be a priority for all States, even if this required the State to subsidize the service.

23. Secondly, the Special Rapporteur noted that the power of the Internet had been amply demonstrated during the Arab spring, and consequently a backlash was observed in many States, which imposed barriers to the use of the Internet and made communication riskier. Access to the Internet had become more limited, websites were blocked and hundreds of bloggers were imprisoned all over the world. Some States argued that restrictions on the use of the Internet stemmed from traditional values, religious or cultural identities; others claimed that limitations were justified by reasons of national security.

24. A third challenge noted by the Special Rapporteur was the increase in attacks against media workers and violence against journalists, including so-called "citizen journalists". It was crucial to stop attacks and sexual harassment against women journalists. These attacks took place not only in countries witnessing conflict, but also in countries at peace. He found this unacceptable and called for a response from the international community. Attacks against the press reflected on all parts of society because they undermined the right of everyone to have access to information, as without this people would be unable to make informed decisions or challenge public policies.

25. Fourthly, the Special Rapporteur pointed out that denying access to information held by public bodies undermined the work of civil society. He called for strengthening access to public information. He found it ironic that, while there were more laws adopted on access to information, there were also more limitations imposed under the pretext of national security. He considered that acts of elected or appointed public officials should be a public matter and subject to transparency not only on financial and budgetary elements, but also on the broader issue of public policy decision-making.

26. A fifth challenge was to ensure the right to freedom of peaceful assembly and association, which were limited in a number of ways. The Special Rapporteur noted that, increasingly, more steps and procedures were needed before an association could be formed. The opportunities for civil society to raise funds were also limited, in particular as there were often regulations relating to accepting funds from abroad. These factors reduced the space and opportunities for civil society to organize and participate because, as non-profit organizations, civil society organizations were unable to generate their own resources and depended on contributions.

27. Lastly, the Special Rapporteur noted with concern that some Governments adopted regulations and practices to impede peaceful protests. Peaceful demonstrations were sanctioned as criminal activities or as a threat to security, and such measures stifled freedom of expression in societies that did not have access to the media or technological forms of communication.

F. Film, music and arts producer

28. Ms. Khan spoke about the relevance of art to human rights and democracy. Art was a universal, human, basic and direct form of communication, with the capacity to make people feel and think. Art had many purposes in society, and could include an expression of beauty, hope, discomfort or something that tells a story. In her view, artistic expression could liberate people in a way that made exerting control over them more difficult.

29. Ms. Khan noted that thousands of artists around the world used their creativity in the service of social activism, and many artists had became the voice of the voiceless by exposing injustice, human rights abuses or corruption. In some countries, artists were targeted, harassed, threatened, tortured, imprisoned or killed. She recalled that, when Taliban movement came to power in Afghanistan, among the first things removed from public life were music and art. She highlighted the fact that a woman artist faced the same dangers as her male counterparts, as well as gender-specific challenges, in certain societies.

30. Artists did not enjoy the same protection and support globally as other groups, such as journalists. Very few individuals and organizations society worked to support artists in danger. Ms. Khan cited the example of Freemuse, an international organization advocating and defending freedom of expression for musicians and composers worldwide. She welcomed the report of the Special Rapporteur in the field of cultural rights,[1] and its focus on artists and the right to freedom of artistic expression and creation. On the ground, artists often found themselves isolated, with no solidarity and support.

31. Ms. Khan highlighted the fact that dictators used art for their own benefit and as a means of propaganda, and business corporations used art to influence the way people made their choices. Stressing that art was as necessary in democracy as a free press, she firmly held the view that artists working for the advancement of human rights and dignity should be supported by the international community because they played a vital and underestimated role in civil society. She concluded by saying that all talents and creativity were needed for the human family to overcome challenges and to achieve the world all would like to live in.

G. Human rights lawyer and Honorary President of the Tunisian League for Human Rights

32. Highlighting experiences of civil society actors in Tunisia, Mr. Trifi focused on the role of civil society during the transition period in the country. He stressed the fact that civil society played a fundamental role in building the new State by participating in the development of new laws and policies essential for human rights and democracy. Civil society organizations were consulted on the first initiatives during the transition, such as a decree on a general amnesty for prisoners of conscience and laws on accession to four international treaties (the International Convention on the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the International Covenant on Civil and Political Rights, the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the Rome Statute of the International Criminal Court).

33. Thre of the most important civil society organizations (the General Union of Tunisian Workers, the Tunisian League for Human Rights and the National Bar Association) had taken part in setting up essential democratic institutions that promulgated a new electoral code and adopted a new, liberal law on freedom of association, which, inter alia, included a provision on the possibility of State funding for non-governmental organizations, as well as funding from abroad. Several thousands of associations had been established in Tunisia since the adoption of the law in September 2011.

34. Mr. Trifi spoke about the role of civil society in the 2011 elections, which were fundamental for democracy, as they were the first democratic and transparent elections in Tunisia. For the first time, more than 10,000 civil society activists had been mobilized to monitor the elections of the Constituent Assembly, with the assistance of the international community, including support from OHCHR. The first task for the Constituent Assembly was to draft a new Constitution. As the majority of the Constituent Assembly members came from an Islamist party, there were fears that sharia law might be imposed and that the advancement of women's rights might be blocked, with the discourse focusing on "complementarity between women and men" rather than full equality. Once again, civil society, in particular women's organizations, had advocated in the public space for full

[1] A/HRC/23/34.

equality between women and men in the text of the new draft Constitution, which was adopted by an overwhelming majority of the Constituent Assembly in January 2014.

35. Acknowledging the essential role of civil society during different stages of the transition process in Tunisia, Mr. Trifi highlighted several remaining obstacles. Some associations, established in accordance with the new law, were suspected of fostering terrorism, and some politicians would like to see stricter control by the Government of the activities of non-governmental organizations and a ban on foreign funding. In Mr. Trifi's opinion, while there was a legitimate need to monitor the funds of such organizations, any attempt to restrict a legitimate space of civil society actors would be counterproductive. Another challenge for newly created non-governmental organizations was the lack of human and material resources and the need for training and capacity-building to increase their professionalism.

III. Summary of the discussion

36. During the plenary discussion, the following delegations took the floor: Pakistan (on behalf of the Organization of Islamic Cooperation), Ethiopia (on behalf of the Group of African States), India (on behalf of the Like-minded Group), the European Union, Yemen (on behalf of the Group of Arab States), Norway (on behalf of Nordic countries), Morocco, Algeria, China, the Czech Republic, Germany, Chile, Uruguay, Indonesia, Portugal, Poland, Tunisia, the Republic of Korea, Thailand, Japan, Colombia, Italy, Switzerland, Ireland, Angola and Hungary. The Joint United Nations Programme on HIV/AIDS (UNAIDS) also contributed to the discussion.

37. Also participating in the dialogue was the Human Rights Commission of Malaysia, as well as the following non-governmental organizations: the European Disability Forum; International Service for Human Rights in a joint statement with the Commonwealth Human Rights Initiative, the International Gay and Lesbian Human Rights Commission, Amnesty International, the World Organisation Against Torture and the East and Horn of Africa Human Rights Defenders Project; CIVICUS – World Alliance for Citizen Participation; the International Federation for Human Rights Leagues; and Save the Children International in a joint statement with World Vision International, Defence for Children International, Plan International and the International Catholic Child Bureau.

38. The following delegations were unable to deliver their statements owing to lack of time: Estonia, Slovenia, Belgium, Netherlands, France, the United States of America, Cuba, Kyrgyzstan, Australia, Austria, Slovakia, the Sudan, Burundi and the International Association for Religious Freedom, a non-governmental organization. The delegations' statements were posted on the extranet page of the Human Rights Council.

A. Importance of the promotion and protection of civil society space

39. Several delegations welcomed the first formal discussion in the Human Rights Council on civil society space as a human rights concern, and thanked the main sponsors of Council resolution 24/21 (Ireland, Chile, Tunisia, Japan and Sierra Leone), as well as OHCHR, for convening the panel discussion. Some participants stressed that the panel was an important step towards the recognition of the crucial role that an independent, diverse and pluralistic civil society played in the realization of human rights on the ground, as well as for the work of the Council. Some States appreciated the fact that the panellists represented the diversity of civil society and its work. They considered it fundamental to have a debate at the institutional level to assess options for strengthening civil society at the national, regional and international levels.

40. Most participants emphasized the crucial role that civil society played in advancing States' objectives of peace, human rights and development and in the promotion and protection of human rights at the local, national, regional and international levels. It was noted that a free and vibrant civil society contributed greatly to a healthy and stable society, and was a prerequisite for sustainable social and economic development. Civil society's role went beyond the promotion and protection of human rights to include advancing the purposes and principles of the United Nations. It was recalled that civil society played a major role in preventing human rights violations. Some delegates expressed appreciation for the support that civil society provided to government institutions in the process of the realization of economic, social and cultural rights. Being involved in advocacy, research, social mobilization and local-level development, civil society played a complementary role to government and provided a voice for poor and marginalized groups.

41. Many delegations recognized that dialogue with civil society could contribute to the identification of ongoing and future challenges. It played an indispensable role by channelling the opinions, concerns and suggestions of diverse actors into policymaking processes. Some representatives noted that a vibrant civil society was essential for constructive communication among cultures, faiths and civilizations. It was stressed that civil society represented a mechanism of checks and balances in any democratic State.

42. Some delegations recalled that the important role played by civil society was unanimously recognized at the World Conference on Human Rights in 1993, reaffirmed in many resolutions of the Commission on Human Rights and the Human Rights Council, underlined in many reports by special procedures mandate holders and codified in the institution-building package of the Human Rights Council (resolution 5/1). The Council benefited from the indispensable contribution of civil society. It was pointed out that civil society was also a space for children to express themselves, in conformity with the Convention on the Rights of the Child.

43. Delegations emphasized that it was imperative for States to create and maintain a safe and enabling environment for civil society actors in which they could operate and contribute to the promotion and protection of civil, political, economic, social and cultural rights. It was noted that the rights to freedom of expression, peaceful assembly and association, and of movement, as well as participation in public life, were all important for civil society. Some States emphasized that the protection of civil society was the foremost responsibility of every State. The protective role of the State was in conformity with its obligations under international human rights law. The empowerment and protection of civil society was essential for an inclusive, transparent and democratic society. Some delegations highlighted the responsibility of States in establishing regulatory frameworks to regulate funding for the work of civil society actors.

44. Some States remarked that, in performing their functions, civil society actors should work within the parameters of a national legal framework consistent with international human rights and humanitarian law obligations. Acting in compliance with domestic laws would mean that they would have full recourse to the protection afforded by such laws.

45. Some participants noted that civil society played a complementary role to that of national human rights institutions.

B. Challenges faced by States in their efforts to ensure space for civil society

46. Several delegations expressed concern about the shrinking space for civil society in some States as a result of the introduction of legal, administrative and other restrictions. In some countries, national legislation and other measures did not protect fully the rights and

freedoms important for civil society actors. It was noted that failure to ensure a safe and enabling environment for civil society to conduct its work undermined States' existing commitments and obligations under international human rights law, and weakened equality, accountability, responsiveness and the rule of law. In some cases, provisions relating to national security, public morals, defamation, funding and regulation of the Internet had led to the harassment, stigmatization and criminalization of civil society actors. It was stressed that some States imposed unnecessary obstacles to the establishment or financing of non-governmental organizations or the authorization of peaceful demonstrations. One of the obstacles highlighted was the lack of financial and human resources available to civil society, and the lack of broader awareness about the role of civil society could play. An example was provided about the lack of direct consultations between the Government and civil society actors in the universal periodic review process, which was a matter of concern.

47. Concerns were expressed by some delegations about the serious risks faced by human rights defenders as well as by members of their families. Particular concern about the risks faced by women defenders was highlighted. Journalists and media professionals who attempted to report demonstrations and police violence endured detention, imprisonment and forced dismissal. Forcible closure of newspapers was also a matter of concern. Particular concerns were expressed about the marginalization of groups, such as LGBT persons and organizations in several countries, as well as minority and religious organizations. Children experienced challenges in forming their own organizations, including difficulties in registration.

48. Some participants referred to the creation of "government-organized" non-governmental organizations created to give visible support to their Government in public and international forums, and noted that such organizations frequently filled the space intended for independent civil society actors. An example was provided of the challenges faced in the implementation of obligations under the Convention on the Rights of Persons with Disabilities relating to civil society, which included insufficient interaction between Government and independent civil society actors.

49. It was highlighted that, while the Internet contributed to freedom of opinion and expression and the work of civil society across the globe, restrictions on Internet freedom and the activities of civil society were of concern, as they threatened the fundamental elements of democracy, development and peace. Examples were provided of restrictive legislation, expansion of the executive authority's control over the Internet, and limitations to freedom of expression and information.

50. Some participants drew attention to differences and conflicts within civil society, as well as among interest groups and viewpoints. Donor-driven agendas in the operations of civil society actors were cautioned against. There were concerns that some civil society actors promoted intolerant views or opinions, and, while guaranteeing freedom of expression, States should be able to minimize their negative impact. Some noted the importance of accurate and verifiable information being provided by civil society in their endeavours to promote and protect human rights.

51. Some participants spoke about an alarming trend aimed at curtailing the voice of civil society in its endeavour to contribute to the work of the United Nations and its human rights bodies, including the Human Rights Council and its mechanisms, in particular, through reprisals against human rights defenders, activists or opposition politicians. These included threats to non-governmental organization accreditation, which sought to create a climate of fear and intimidation, undermining the credibility and the functioning of the United Nations system. In this context, the deferral of consideration by the General Assembly of resolution 24/24 adopted by the Council at its twenty-fourth session was noted with concern by some States.

C. Experiences, lessons learned and good practices with regard to space for civil society

52. Many delegations welcomed the opportunity to exchange lessons learned, practices and experiences in providing space for civil society. Some noted that it was not possible to develop policies, programmes or national strategies in the absence of dialogue with civil society because it was inseparable from the democratic processes.

53. Some States applauded the tremendous dynamism of civil society actors, including women who faced grave personal risks. Examples were provided of the role of women's rights activists in several countries in pursuing fair representation in political processes.

54. Some States appreciated the greater number of national civil society organizations established in their countries over a period of time.

55. Several States provided examples of the participation of civil society actors in the development of national policies on human rights, including national plans of action and legislation, as well as in contributions to State reports submitted to United Nations human rights mechanisms, such as the treaty bodies and the universal periodic review.

56. Many States had established mechanisms for institutionalized national dialogue and consultations with civil society. Through a coordination and information-sharing platform on human rights policies, these mechanisms brought together various stakeholders on a regular basis, and provided space for civil society actors to engage in public policy decisions in advancing the human rights agenda. Such institutional mechanisms helped strengthen a dialogue between government officials and civil society experts.

57. Some States reported on the establishment of mechanisms and subsidies for funding non-governmental organizations in their countries.

58. An example was provided of civil society serving as an indispensable partner in providing specific assistance to affected populations that the national government response could not tackle alone in the aftermath of a natural disaster.

59. As witnessed by UNAIDS, civil society organizations provided services to marginalized communities; for example, to persons living with and vulnerable to HIV. It was noted that civil society was essential to shape the political, financial, social and legal response to HIV around the world. In three meetings of the General Assembly on AIDS, all States had committed to secure the vital role of civil society in the AIDS response, and to provide an enabling social and legal environment. These commitments were, however, yet to be implemented by many States.

60. Examples were provided by non-governmental organizations working on the rights of the child on the involvement of children in the civic space through the establishment of mechanisms for children to engage in policymaking processes and other activities, such as monitoring service delivery to children.

61. One State delegation spoke about its experience in developing national policies and mechanisms for the protection human rights defenders, in partnership with OHCHR.

62. Some States had increased their efforts to promote civil society space in their international policy agenda and activities. Such efforts were commended by a number of non-governmental organizations. International reactions to restrictions on civil society space included diplomatic pressure, efforts to strengthen the international normative framework of the right to freedom of association and the creation of innovative forms of engagement, such as the European Endowment for Democracy.

63. Some States cautioned against interfering with the internal affairs of States or challenging judicial sovereignty under the pretext of protecting civil society space.

64. Delegations referred to the important work to promote rights and freedoms vital for the functioning of civil society conducted by the special procedures of the Human Rights Council, namely the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders. The Social Forum of the Human Rights Council was considered to be a space that sought to enhance dialogue between States and civil society in a constructive manner.

65. An example was provided of the large participation of persons with disabilities and their representative organizations in the negotiation of the Convention on the Rights of Persons with Disabilities, and reference was made to the role of civil society included in the text of the Convention.

66. It was emphasized that regional organizations played a significant role in promoting civil society space in their respective regions.

D. Strategies and steps that could be adopted to ensure a safe and enabling environment for civil society

67. It was stressed that the promotion and protection of civil society space did not envisage granting civil society new or additional rights, but rather ensured that it enjoyed the same rights to public freedoms to which everyone was entitled.

68. It was recognized that it was the primary responsibility of States, in accordance with their international human rights obligations, to promote and protect human rights, including rights that enabled civil society to operate, in particular fundamental freedoms, such as the freedoms of peaceful assembly, association, opinion and expression. This required the support of a robust legislative and administrative framework, fully compliant with international human rights law. Delegations reiterated a call made by the Special Rapporteur on the situation of human rights defenders in her most recent report to the Human Rights Council that Governments should take concrete steps to create a safe and enabling environment for human rights defenders to operate, free from hindrance and insecurity.[2] Some pointed to the need to create an enabling environment to encourage member-based and member-driven civil society groups that would promote the interests of the people they served and encourage sustainability of their activities.

69. Several delegations referred to the importance of the national legal framework. It was stressed that, while all individuals were subject to the sovereign laws of the relevant State, national legislation should be consistent with international human rights law to ensure that civil society can operate in a safe and enabling environment. It was suggested that ethical, religious or cultural values should not be used as a justification for putting in place national legislation that undermined the universality of human rights. Some delegations urged that a review be conducted of national legislation that criminalized non-governmental organizations on the basis of their activities or sources of funding. It was stressed that laws restricting freedom of peaceful assembly should be reviewed, and that States should prevent and sanction the excessive use of force when dispersing assemblies. There was a suggestion that laws that prohibit human rights advocacy relating to sexual orientation and gender identity should be repealed. Some delegations expressed the view

[2] See A/HRC/25/55.

that the domestic legal framework should ensure that the right to freedom of expression, peaceful assembly and association fully respected the rights of others and guaranteed the independence, accountability and transparency of civil society. The need to ensure that the legal framework was conducive to the establishment of children's organizations was also stressed.

70. Some participants emphasized that improved and inclusive consultation processes, as well as coordination with and partnerships between civil society actors and State institutions would facilitate the enhancement of international cooperation in the field of human rights and better serve the interests of society. States were urged to take appropriate measures to ensure that every member of civil society had an effective right and opportunity to participate in political and public affairs, as highlighted by the Human Rights Council in its resolution 24/8 on equal political participation. States were encouraged to engage in meaningful participatory processes in legislating and policymaking, and to consult with civil society at the outset of policy development. They were encouraged to ratify the Convention on the Rights of Persons with Disabilities, which included obligations relating to participation. It was recommended that sufficient, respectful, safe, regular and meaningful interaction between Government and civil society should be established at all phases of policymaking and implementation. Efforts to increase the representation of women with disabilities should be supported. It was also suggested that Governments should create an enabling environment for children to participate as equal actors in civil society, including through access to timely and child-friendly public information.

71. A recommendation was made that States should establish national mechanisms for the protection of human rights defenders and journalists.

72. Recognizing the important role played by development in the full realization and enjoyment of human rights, some delegations suggested that States needed to encourage civil society groups to increase their engagement in and contribution to the implementation of a national development agenda and other regional and international development goals, as well as combating intolerance, negative stereotyping and stigmatization, incitement to violence and violence against persons based on religion or belief.

73. It was suggested that civil society actors should use their space responsibly and be guided by the principles of democracy, good governance, transparency, credibility and accountability. Such an approach would increase public and government confidence in civil society, and would help States to better protect civil society, facilitate its work and establish partnerships. In addition, it was noted that non-governmental organizations should use their charitable and tax-exempt status responsibly.

74. States were called upon to refrain from and ensure adequate protection from any act of intimidation or reprisal against civil society actors, and to fulfil their duty to end impunity for any such acts by bringing perpetrators to justice and by providing an effective remedy for victims. The Human Rights Council and the United Nations as a whole were urged to lead by example in protecting civil society space and to ensure a stronger, practical response to reprisals.

75. Recalling resolution 1996/31 of the Economic and Social Council, which governs the relationship of the Human Rights Council with civil society, some delegations proposed that the efforts of the Council and the international community should be directed at assisting national authorities to strengthen their mechanisms of partnership with civil society, and that they find new ways to support civil society engagement by sharing best practices.

76. In a joint statement, several non-governmental organizations expressed concerns about the Committee of the Economic and Social Council on Non-Governmental

Organizations creating obstacles to civil society consultations at the United Nations. A State delegation suggested that rules and proceedings that govern the participation of civil society in the United Nations should be updated so that they could tackle the challenges posed by the participation of indigenous peoples in international forums.

77. Participants recommended that the Human Rights Council, through its special procedures mechanisms, should develop and adopt guiding principles on creating a safe and enabling environment for civil society.

78. A suggestion was made that the Human Rights Committee prioritize the development of general comments on articles 21 (the right of peaceful assembly) and 22 (the right to freedom of association) of the International Covenant on Civil and Political Rights.

79. States were encouraged to take advantage of the technical assistance available through the Office of the High Commissioner and other relevant international and regional institutions.

IV. Comments and responses by panellists and the moderator

80. Several delegations directed a number of questions to the panellists. Some were interested to learn more about good practices and recommendations on how States could ensure meaningful engagement and dialogue with civil society, improve the capacity of civil society to engage with government institutions, and support the checks-and-balances role of civil society. Delegations asked what more could be done at the local, national, regional, international and multilateral levels to provide space for civil society, improve States' engagement with civil society and raise awareness and support for the work of civil society, including those persons who did not join an organization, such as children or people living in extreme poverty. A question was asked about what the international community should do when national legislation contradicted international obligations.

81. Panellists were asked to provide examples of good practices in legislation or mechanisms at the national level to combat impunity regarding threats or attacks against human rights defenders. A question was asked about whether general legislation on freedom of expression was sufficient or whether special legislation to protect human rights defenders should be adopted by States. A delegation was interested to learn about concrete measures that could be taken by the international community to combat the climate of intimidation and censorship against journalists and media workers. Panellists were asked to address the relationship between a vibrant civil society and social stability. Some States were interested to learn about early warning signs regarding policies to narrow the space for civil society, and how the international community could contribute to counteract attempts aimed at limiting space for civil society. Participants were interested to know how non-governmental could increase their capacity to protect themselves. A question was asked about how States could support an early warning function of civil society in raising awareness of human rights violations. Another question was asked about whether non-governmental organizations participating in the sessions of the Human Rights Council needed a stronger legislative basis. The views of panellists were sought on the responsibility of the Council to act upon reprisals against defenders who engaged or attempted to engage with the Council or other United Nations organs and mechanisms.

82. Ms. Khan acknowledged the challenges in building societies that are fair, inclusive, just and open for all. In her opinion, freedom of expression was the cornerstone of a healthy, independent, open, pluralistic and inclusive civil society. She encouraged States to build on their statements made during the panel discussion on the importance of the right to

freedom of expression, and engage genuinely in the implementation of this right in their countries.

83. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression agreed that there was no question of creating special rights for civil society organizations, but rather ensuring that the rights to which everyone is entitled were afforded to civil society actors. He appreciated the comment that human rights were enjoyed by people of all ages. The Special Rapporteur saw no need for specific legislation or administrative measures for civil society organizations and how people associate because, in his view, these would limit legitimate, open and transparent activities for the defence of human rights. He agreed with the statements made that civil society actors should abide by the principles of the rule of law, transparency and accountability, but he recalled that the rule of law should apply equally to all, and that there was no need to create additional restrictions to those already outlined in national legislation compliant with international commitments. Responding to a question on the need for a specific national mechanism to protect human rights defenders and journalists, he noted good practices of effective, multi-stakeholder mechanisms established in several countries, and suggested that one concrete outcome of the panel discussion might be that States should establish such mechanisms.

84. Mr. Trifi underlined the fact that States elected to the Human Rights Council had a specific responsibility towards the protection of human rights, including the freedoms of expression, peaceful assembly and association. Speaking from his civil society background, he highlighted the need for capacity-building and training on human rights for civil society organizations. He also emphasized the need for funding, in particular, national public funding, but also foreign funding, which should be legally regulated. He stressed the important early warning function of the Special Rapporteur on the situation of human rights defenders, who could draw the Council's attention to worrying developments so that timely action could be taken.

85. Ms. Pavey appreciated the discussion on the strengthening of trust between the State and civil society. She recalled that there was space for civil society to work through the various United Nations human rights mechanisms, including the treaty bodies and the Human Rights Council and its mechanisms. She stressed that civil society should feel free from fear to engage with United Nations mechanisms, and channel their issues and concerns so that they reach international forums.

86. The moderator thanked the participants for their rich contributions and regretted that, owing to time limitations, it was not possible for the panel to respond to the numerous questions addressed to it. She reflected on the discussion about resources for civil society, and stated that foreign funding was a part of international cooperation; what a State could legitimately do in order to promote and protect human rights should certainly be legitimate for civil society to benefit from. She expressed the hope that this dialogue could lead to more opportunities and forms of engagement through which Governments could overcome insecurities that led them to establish measures that restricted civil society space. She also hoped that civil society organizations could safeguard their independence and encourage their Governments to be more responsive to their voices.

87. The President of the Human Rights Council thanked the moderator, the panellists and the participants for their contributions to the panel discussion.